

REMARKS

Claims 1-3 and 5-7 are pending in the present application. Claims 1-3 and 5-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Gassmann et al. (U.S. Patent No. 4,917,407). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gassmann in view of Auvil et al. (U.S. Patent No. 6,000,436). The Applicant has amended claim 1 and added new claims 8-19. All amendments are fully supported by the original specification. No new matter has been added. Applicant believes the amendments overcome the objections and therefore believe independent claims 1 and 5 are in allowable form. Claims 2-3 and 5-9 depend on these claims and for at least that reason Applicant believes these claims are in allowable form. Further, applicant believes all new claims are in proper form for allowance. Consequently, Applicant respectfully requests the amendment be entered and all claims be allowed.

Claim 1:

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Gassmann et al.

Applicant has amended claim 1 to clarify the orientation and interaction of the parts of the invention with respect to one another and to fix clerical errors. Applicant believes such amendments help overcome the anticipation rejection by providing clarity.

Claim 1, as amended, requires in part, "a first end having an externally threaded nipple". Gassman does not teach this limitation. In contrast, Gassman teaches an

insert element 7 that has an axial bore 15 with internal threads, into which the threaded portion 16 of a nipple 4 is received. (Col. 2, lines 5-17, Fig. 1). Thus, the connector has internal threads, and not external threads, as is required by claim 1. As Gassman does not teach each and every element of claim 1 it cannot anticipate claim 1. Further, since claims 2-4 depend from claim 1, they likewise are not anticipated.

#### Claim 5

Claim 5 has also been rejected as being anticipated under 35 U.S.C. § 102(b) by Gassman. The Applicant respectfully disagrees. Claim 5 requires in part that the diameter of the second well has a diameter greater than the diameter of the first well, whereupon inlet pipes having outside diameters complimentary in size to the diameters of the wells can be selectively and alternately secured within respective wells. Gassman does not teach this limitation. In contrast Gassman teaches securing a threaded compressed air line 3 into the threaded bore 15, 16 of insert element 7. There is no discussion, nor suggestion, that pipes having different outside diameters complimentary in size to the diameters of the wells can be selectively and alternately secured within the wells. (See Fig. 1).

In responding to this argument, the Examiner has asserted that "a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art." (06/23/06 Office Action, Pg. 4). Because Gassman is

capable of receiving two different size pipes the Examiner asserts this meets the claim limitation. The Applicant disagrees.

The Applicant asserts that the Examiner, in just requiring that a prior art reference "be capable" of performing a function, is using an incorrect standard for anticipation. Specifically, for a prior art reference to anticipate, the "prior knowledge by others requires that all of the elements and limitations of the claimed subject matter must be expressly or inherently described in a single prior art reference". Elam Pharms, Inc. v. Mayo Foundation For Medical Educ. & Research, 304 F.2d 1221, 1227, 64 U.S.P.Q. 2d 1292 (Fed. Cir. 2002). Because the Examiner has not identified where the functional limitation is present in Gassman, or explained why the limitation is inherently present within Gassman, the Applicant asserts that the Examiner has not established a prima facie case of anticipation. Therefore, Applicant believes claims 5-7 are in proper form for allowance.

New Claim 8:

New dependent claim 8 adds the limitation of a conventional o-ring seal located between a shoulder of the first hollow fitting and the second hollow fitting. Support for this amendment can be found at Page 3, Lines 32-36 wherein it states "[t]he O-ring 48 will have been placed around and in front of the shoulder 54 of fitting 18 before the sliding action takes place." Further support can be found in Figure 3. Gassmann does not teach this limitation. Although Gassmann teaches the use of an O-ring, (see Figures

1-4 and 6-7 and Col. 2, Lines 11-14), this O-ring is not disposed in a notch formed between the first and second hollow fittings. (Emphasis added). Therefore Gassmann does not anticipate this limitation.

New Claim 9:

New dependent claim 9 adds the limitation of "wherein the second end of the first hollow fitting is crimped inwardly such that when the second end of the first hollow fitting is in overlapping position of the first end of the second hollow fitting the detent is pushed into the groove." Support for this amendment can found at Page 3, Lines 34-37 wherein it states "[w]hen the two fittings 12 and 18 are in their overlapping position shown in Fig. 3, the end 16 of the fitting 12 is crimped inwardly so that the detent 42 is pushed into the annular groove 44." Gassmann does not teach this limitation, as discussed above, Gassmann teaches a axial protrusion 11 that must be crimped into place after installation. Therefore Gassmann does not anticipate this limitation.

New Claim 10:

New claim 10 is an independent claim. Antecedent basis for all elements of this claim are found in the Description of the Preferred Embodiment of the original disclosure. Further, all amendments are also independently supported by Figs. 3, 5 and 6.

Specifically, claim 10 requires, in part, the first end of the first hollow fitting to have "an externally threaded nipple." Gassmann does not teach this limitation. At most

Gassmann teaches an internally threaded nipple. (See Gassmann Fig. 1). Additionally, claim 10 requires, in part, the second end of the first hollow fitting to have "an enlarged diameter sleeve terminating in an annular detent." Gassman does not teach this limitation. Referring to Gassmann's Fig. 1 Gassman's first hollow fitting terminates at a reduced diameter, from the end with the internally threaded nipple, without having an annular detent. Therefore Gassmann does not anticipate this limitation.

New Claim 11:

Claim 11 is new. Antecedent basis for this claim is found in the original specification, page 3, lines 17-21.

New Claim 12:

Claim 13 is new. Antecedent basis for this claim is found in the original specification, page 3, lines 21-22.

New Claim 13:

Claim 13 is new. Antecedent basis for this claim is found in the original specification, page 3, lines 21-22.

New Claim 14:

Claim 14 is new. Antecedent basis for this claim is found in the original specification, page 3, lines 23-24.

New Claim 15:

Claim 15 is new. Antecedent basis for this claim is found in the original specification, page 3, lines 7-11

wherein it discusses this arrangement. Further support is found in Figs. 3, 5 and 6.

New Claim 16:

Claim 16 is new. Antecedent basis for this claim is found in the original specification, page 3, lines 7-11 wherein it discusses the arrangement of the wells and Figs. 3, 5 and 6 which depict the first and second wells being separated by a shoulder.

New Claim 17:

Claim 17 is new. Antecedent basis for "the first and second wells being cylindrical in shape" is found in the original specification, page 3, lines 7-11 wherein it discusses the arrangement. Antecedent basis for "such that a second pipe having an outside diameter complimentary to the diameter of a well can be selectively and alternatively secured within a well" is found in the original specification page 3, line 25, through page 4, line 18 wherein it discusses the ability to selectively and alternatively secure pipes of varying diameters within the device.

New Claim 18:

Claim 18 is new. Claim 18 is similar to claim 15, the main difference is it applies to the first hollow fitting. Similarly, antecedent basis for this claim is found in the original specification, page 3, lines 7-11 wherein it discusses this arrangement. Further support is found in Figs. 3, 5 and 6.

New Claim 19:

Claim 19 is new. Claim 19 is similar to claim 16, the main difference is it applies to the first hollow fitting. Similarly, antecedent basis for this claim is found in the original specification, page 3, lines 7-11 wherein it discusses the arrangement of the wells and Figs. 3, 5 and 6 which depict the first and second wells being separated by a shoulder.

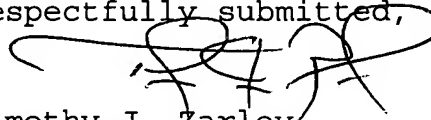
CONCLUSION

In light of the above arguments, Applicant asserts that all pending claims are allowable subject matter and therefore respectfully requests allowance of such claims.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley  
Reg. No. 45,253  
ZARLEY LAW FIRM, P.L.C  
Capital Square  
400 Locust Street, Suite 200  
Des Moines, IA 50309-2350  
Phone No. (515) 558-0200  
Fax No. (515) 558-7790  
Customer No. 34082  
Attorneys of Record

- TJZ/CAP/jlk -